

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Magdalena Azmitia	Team: Squad #3	CCRB Case #: 201806538	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/09/2018 3:00 PM	Location of Incident: Inside of the 123rd Precinct stationhouse	Precinct: 123	18 Mo. SOL 2/9/2020	EO SOL 2/9/2020	
Date/Time CV Reported Thu, 08/09/2018 10:37 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/09/2018 10:37 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SSA Andre Teterycz	03188	907433	123 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Mourad Arslanbeck	03113	937999	024 DET
2. POM Americo Michel	27079	946002	123 PCT
3. POM Michael Maresca	05077	956880	123 PCT
4. SGT Kappa Farid	467	925259	123 PCT
5. SGT Aleksey Dementyev	01143	948871	120 PCT
6. PAA Hannula		359261	123 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SSA Andre Teterycz	Abuse: Sergeant Andre Teterycz threatened to arrest § 87(2)(b)	
B.SSA Andre Teterycz	Abuse: Sergeant Andre Teterycz did not process § 87(2)(b)'s complaint regarding Det. Mourad Arslanbeck.	

Case Summary

On August 9, 2018, § 87(2)(b) filed this complaint via the CCRB's online submission form.

On August 9, 2018, at approximately 3:00 P.M., § 87(2)(b) went to the 123rd Precinct stationhouse for a custody exchange with her daughter's father, § 87(2)(b). § 87(2)(b) began yelling at § 87(2)(b) and saying, "Get off her," with enough volume that several people in the stationhouse turned to look. § 87(2)(b) told officers at the desk that she wanted to file a complaint regarding the incident. § 87(2)(b) was told to leave because there was no complaint for which to file a report and that she needed to leave. § 87(2)(b) went back to the stationhouse two more times within hours on that same day, and each time was allegedly told by Sgt. Andre Teterycz of the 123rd Precinct to get out before he arrested her for filing a false complaint (**Allegation A, Abuse of Authority:** § 87(2)(g) § 87(2)(b) also asked to file a CCRB complaint, and Sgt. Teterycz allegedly told her that she was not allowed to file a CCRB complaint and did not inform her of the methods of doing so (**Allegation B, Abuse of Authority:** § 87(2)(g) § 87(2)(b)).

Video footage of this incident was not recovered.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Andre Teterycz threatened to arrest § 87(2)(b)

Allegation (B) Abuse of Authority: Sergeant Andre Teterycz did not process § 87(2)(b)
s complaint regarding § 87(2)(b)

In her testimony to the CCRB, § 87(2)(b) stated that she and § 87(2)(b) had begun conducting custody exchanges at the 123rd Precinct stationhouse because they each had orders of protection against the other [BR 03]. § 87(2)(b) alleged that by yelling at her, § 87(2)(b) had violated the order of protection she had against him, and told officers at the command desk, including PO Americo Michel, that she wanted to file a UF-61 complaint report regarding the incident. Sgt. Teterycz spoke to one of the officers, and they both told § 87(2)(b) that there was no complaint for which to file a report before Sgt. Teterycz instructed her to leave the stationhouse. § 87(2)(b) went home and called her attorney, who told her to go back to the stationhouse because she should have been able to file a complaint report. She went back several hours later and spoke with another officer and a PAA, identified by the investigation as PAA Jessica Hannula, who both refused to help her file the report. Sgt. Teterycz had overheard the conversation and told § 87(2)(b) to "get the hell out of here" or he would arrest her for trying to file a false complaint. § 87(2)(b) walked out of the stationhouse, where she stopped a second sergeant, identified by the investigation as Sgt. Aleksey Dementyev, and asked to speak with him. § 87(2)(b) began to explain the situation to Sgt. Dementyev when Sgt. Teterycz approached and said that § 87(2)(b) had not done anything and told her to get out. § 87(2)(b) then called her attorney again, who told her to file a CCRB complaint. § 87(2)(b) went into the stationhouse for a third time, approximately 10 minutes after leaving the second time. § 87(2)(b) spoke directly to the Sgt. Teterycz and said that she wanted to file a CCRB complaint against § 87(2)(b). Sgt. Teterycz told her that she was not allowed to file a CCRB complaint. He again told her to "get the hell out of here," and said that he would arrest her for filing a false complaint.

Sgt. Teterycz testified to the CCRB that § 87(2)(b) stood in front of the doorway and did not let § 87(2)(b) leave the stationhouse after he asked her to let him and their children go [BR 08]. § 87(2)(b) was yelling while § 87(2)(b) spoke in a conversational tone. Sgt. Teterycz was not familiar with § 87(2)(b) and did not know § 87(2)(b). § 87(2)(b) ultimately stepped to her side and walked out with the children. § 87(2)(b) brushed against § 87(2)(b) as he walked out of the stationhouse, but there was no other physical contact between them. § 87(2)(b) immediately told PAA Hannula in the 124 room that she wanted to file a report, although she did not specify what kind of report she wanted to file. PAA Hannula informed § 87(2)(b) that there was nothing to report. After approximately one to two minutes, Sgt. Teterycz approached to assist, and PAA Hannula informed him that § 87(2)(b) wanted to file a report against her child's father for pushing her and threatening her minutes before. Sgt. Teterycz stated that he witnessed their interaction and that her allegations never happened. There was no discussion of arresting § 87(2)(b) at that point. At an unspecified time later that day, Sgt. Teterycz went back to the stationhouse and saw § 87(2)(b) in front of the building talking to Sgt. Dementyev. § 87(2)(b) was telling Sgt. Dementyev the same thing she had told Sgt. Teterycz earlier that day, which he noted was a lie and a fabrication. Sgt. Teterycz stepped in and told Sgt. Dementyev that if § 87(2)(b) was describing an incident that happened earlier that day, he had witnessed the incident and what § 87(2)(b) was claiming had never happened. Sgt. Teterycz went into the stationhouse and took over desk duties when Sgt. Dementyev left. Sometime later, § 87(2)(b) entered the stationhouse and spoke with 124 room staff again, stating that she had spoken with her attorney, who told her that she needed to have a report filed regarding the incident. Sgt. Teterycz heard the conversation from the command desk and again told her that if she was trying to file a report regarding the incident from earlier that day, it was a fabrication. Sgt. Teterycz asked whether anything else had happened during the incident that she had not told him before. § 87(2)(b) stated again that § 87(2)(b) had not let her kiss her children and had threatened and pushed her. Sgt. Teterycz repeated that what she was claiming had never happened and informed § 87(2)(b) that if she went through with filing the report, it would be an arrestable offense because it was a false report, and he would have to arrest her. Sgt. Teterycz instructed § 87(2)(b) to leave the stationhouse, with which she complied. § 87(2)(b) did not mention that the father of her children was a member of service and did not tell Sgt. Teterycz that she wanted to file a CCRB complaint against him. Sgt. Teterycz did not mention arresting § 87(2)(b) for any other reason than filing a false report, and § 87(2)(b) was not doing anything else for which she could have been arrested.

Sgt. Kappa Farid, PO Michael Maresca, and PO Americo Michel, all of the 123rd Precinct and who were present at the time of the incident all testified that they did not recall witnessing the incident and had not seen § 87(2)(b) in the stationhouse before [BR 04, 05, 06].

Sgt. Dementyev testified to the CCRB that at approximately 3:00 P.M. on the incident date, he heard a loud verbal dispute near the entrance to the stationhouse, approximately 20 feet away [BR 07]. Sgt. Dementyev did not hear what was said. At approximately 9:00 P.M. on that same day, § 87(2)(b) went to the stationhouse and stated that she wanted to report harassment and asked to speak with him privately. They went to the front of the stationhouse, and as they spoke. Sgt. Teterycz approached them and stated that he had spoken to the woman earlier that day. Sgt. Teterycz stated that he was present for the incident and that the woman was lying, and said that she had to leave the stationhouse, which she did. Sgt. Dementyev did not recall there

being any discussion of arresting § 87(2)(b) and she did not state that she wanted to file a CCRB complaint.

PAA Hannula testified to the CCRB that while § 87(2)(b) and § 87(2)(b) conducted their custody exchange, their child began crying, and § 87(2)(b) became upset [BR 09]. § 87(2)(b) blocked the exit by putting her back to the front door, stating that § 87(2)(b) was not leaving until she could kiss her child. § 87(2)(b) asked § 87(2)(b) (b) to let him leave, and § 87(2)(b) began screaming and saying that § 87(2)(b) was harassing her and that she wanted to file a report because he was not allowing her to kiss her child. § 87(2)(b) approached the 124 room while § 87(2)(b) left the building. § 87(2)(b) stated that she wanted § 87(2)(b) arrested because he had violated the order of protection by harassing her. An unidentified officer and PAA Hannula explained that no harassment had occurred, and as a result a report could not be filed. § 87(2)(b) stated that PAA Hannula and the officer were not doing anything because § 87(2)(b) was § 87(2)(b) which PAA Hannula did not know until § 87(2)(b) informed her. § 87(2)(b) ultimately left the stationhouse after being asked to leave by another unidentified officer who had just entered the stationhouse. PAA Hannula did not hear any officers tell § 87(2)(b) that she could or would be arrested at that time. § 87(2)(b) returned to the stationhouse later that day and told PAA Hannula that she wanted to file a report for harassment. PAA Hannula explained again that there had been no harassment during the custody exchange. Sgt. Aleksey Dementyev approached and took § 87(2)(b) out of the building to speak with her. PAA Hannula did not see § 87(2)(b) again. PAA Hannula noted that Sgt. Andre Teterycz walked into the stationhouse while § 87(2)(b) was outside, but she did not see him speak to § 87(2)(b). PAA Hannula was not aware of any discussion of arresting § 87(2)(b) at any point. § 87(2)(b) did not state that she wanted to file a CCRB complaint.

NYPD Patrol Guide procedure 207-01 specifies that a complaint report is to be generated when an allegation has been made of an unlawful or improper act or omission, or other condition that necessitates investigation to determine if any unlawful act or omission occurred [BR 15].

New York State Penal Law § 240.50 notes that a person is guilty of falsely reporting an incident in the third degree when he or she knowingly initiates or circulates a false report of an alleged occurrence of a crime or reports to a law enforcement agency the alleged occurrence of an offense or incident which did not in fact occur [BR 14]. Falsely reporting an incident in the third degree is a class A misdemeanor.

§ 87(2)(g)

NYPD Patrol Guide procedure 207-31 outlines the steps to be taken when processing a CCRB complaint and states that officers must advise the complainant that the complaint can be

filed in person, over the phone, or via mail [BR 16]. Officers must also provide the CCRB's phone number and make an entry regarding the complaint in the command log.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the second CCRB complaint to which § 87(2)(b) has been a party [BR 11].
 - § 87(2)(b)
- Sgt. Teterycz has been a member of service for 24 years and has been a subject of eight CCRB complaints with 14 allegations, one of which was substantiated.
 - Case #201800958 involved a substantiated allegation of refusal to provide name and shield. The Board recommended formalized training, which has not been implemented by the NYPD.

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- On January 7, 2019, the Office of the New York City Comptroller confirmed that no Notice of Claim has been filed regarding this incident [BR 13].
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 3

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date